IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4523 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE JAYANT PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

N A DESAI MAMLATDAR

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 4523 of 1991

MR SM MAZGAONKAR for Petitioner No. 1

Mr.Premal Joshi, Asst.GOVERNMENT PLEADER for Respondents

CORAM : MR.JUSTICE JAYANT PATEL

Date of decision: 15/02/2002

ORAL JUDGEMENT

Heard Mr.Mazgaonkar appearing for the petitioner and Mr.Premal Joshi, Ld.AGP for the respondents. The present petition is filed by the petitioner challenging

the decision of the authority in connection with the adverse remarks. When the petition was admitted no interim relief was granted and as a result thereof the adverse remarks have continued in the service record of the petitioner. No relief for considering his case for promotion excluding the adverse remarks was also granted. As a result thereof, the petitioner remained in service with adverse remarks which are the subject matter of this petition. On behalf of the State Government, Mr.C.S.Rajpal, Under Secretary has filed affidavit in reply and at para 4 of the said affidavit in reply it has been mentioned that the petitioner has retired on 31.3.97 and therefore petition would not survive.

2. Considering the facts and circumstances of the case, I am of the view that when the petitioner has retired from service on 31.3.97 no useful purpose would be served in deciding this matter and the questions raised in this petition are therefore not decided by this court. Under the circumstances, petition is disposed of as having become infructuous. Rule is discharged with no order as to costs.

15.2.2002 (JAYANT PATEL,J)